

REMARKS

Reconsideration and allowance of the instant application are respectfully requested. Claims 1-27, 29-30, and 32-33 stand rejected under 35 USC 102(b) as anticipated by Simonetti (U.S. Patent 5,295,261).

Claims 1 and 29 have been amended to recite that the route specifying means separate “the merchandise distribution routes from each other on the basis of product number and category of each of the merchandise items according to predetermined settings.” Support for this amendment is found in claim 2, now canceled.

In accordance with the present claims, a database is created on a customer-by-customer basis. Thus, it is possible to conduct transactions to *individually* and *automatically* allocate distributors and suppliers to each customer and desired product without the assistance of the customers. In addition, even when the same product offered by a plurality of suppliers is ordered from several customers at the same time, the system allows selection of an appropriate supplier for *each* customer.

The Advisory Action states: “Applicant argues that the prior art does not select or separate routes. The claims are drawn to specifying and identifying routes, which is broader and is shown in the prior art.”

In amended claims 1 and 29, the route specifying means identifies what merchandise distribution routes may be used to provide merchandise to the customer based on the customer’s selection of the merchandise and on available suppliers and distributors. The route specifying then *separates* the merchandise distribution routes from each other on the basis of product number and category of each of the merchandise items according to predetermined settings.

A first ordering means automatically generates orders online to dealers of distributor-side equipment on respective merchandise distribution routes *specified by* the route specifying means. A second ordering means automatically generate orders online to suppliers of supplier-side equipment on respective merchandise distribution routes *specified by* the route specifying means.

That is, routes are specified based on the customer’s individual selection of merchandise and available suppliers and distributors. Once the route specifying means identifies what routes

may be used, orders are automatically generated to the respective suppliers and distributors.

The claimed system provides a virtual process to deliver the merchandise items by a delivery agent through the distributor, wholesaler, and supplier involved in respective merchandise distribution route specified. Attention is drawn to page 31, line 26, through page 32, line 23, of the specification for a more details. See also arrow in Fig. 1.

Simonetti is directed to an informational/navigational database that can be easily navigated by the user. The system relies on a navigational tree for accessing data. See FIG 2C, for example. The tree combines navigational data and informational data to conveniently access information regarding a particular customer. For example, the tree contains a state (set 51) which branches into a city (set 52) which branches into a street address (set 53) which branches into a unique identifier for the customer (set 54).

When applying the informational/navigational database of Simonetti to commerce, an order by a customer is filled at a pre-designated distribution center, based on the customer's address. That is, following the hierachal tree, the customer number (address) is linked to a distributional center.

Simonetti does not select merchandise distribution routes based on the merchandise ordered and the available suppliers and distributors. Instead, a distribution center is selected based on the customer's address.

The Advisory Action states that "a known route is considered to one of the predetermined settings." Simonetti's values are based on distribution centers and customers addresses, not the selected merchandise and available distributors and suppliers.

The Advisory Action added five documents to show what is "inherent." Simonetti does not teach each element of the instant claims as required under 35 USC 102. Thus, the additional references are being relied upon to remedy defects of Simonetti, not to show what is inherent. Moreover, the inclusion of these documents is inappropriate in an Advisory Action.

Simonetti does not teach *separating* merchandise distribution routes from one another and identifying particular merchandise distribution route ideal for the customer and merchandise ordered by the customer. Simonetti does not allow selection of the merchandise distribution routes according to preference or convenience of the individual customer. Attention is drawn to line 59, column 5 through column 6 in Simonetti. Instead Simonetti utilizes hierachal tree to locate a predetermined distribution center based on the customer's address.

Withdrawal of the instant rejections is requested.

CONCLUSION

In view of the above amendments and remarks, withdrawal of the rejections and issuance of a Notice of Allowance is requested.

Respectfully submitted,



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